UNITED
NATIONS

EP

Governing Council
of the United Nations
Environment Programme

Distr.
GENERAL

UNEP/HLC/2/INF/2
7 October 1997

ENGLISH ONLY

HIGH-LEVEL COMMITTEE OF
MINISTERS AND OFFICIALS
Second meeting
Nairobi, 17-18 November 1997
Item 7 of the provisional agenda*

RULES OF PROCEDURE OF THE HIGH-LEVEL COMMITTEE OF MINISTERS AND OFFICIALS

Note by the secretariat

1. In its decision 19/32, the Governing Council decided to establish a High-level Committee of Ministers and Officials as a subsidiary organ of the Governing Council.

2. Paragraph 3 of rule 62 of the rules of procedure of the Governing Council states that:

> "The rules of procedure of subsidiary organs shall be those of the Governing Council, as appropriate, subject to such modifications as the Governing Council may decide upon in the light of proposals by the subsidiary organs concerned."

3. In paragraph 12 of decision 19/32, the Governing Council decided:

> "That, save as otherwise provided in this decision, the rules of procedure of the Governing Council, including rule 63, shall apply, mutatis mutandis, to the High-level Committee of Ministers and Officials until it adopts its own rules of procedure."

* UNEP/HLC/2/1.

Na.97-2549 151097 211097

/...

For reasons of economy, this document is printed in a limited number. Delegates are kindly requested to bring their copies to meetings and not to request additional copies.

4. During the Committee's consideration of its programme of work at its first meeting, there was a proposal that a working group on the Committee's rules of procedure should be established. 1/ Subsequently, at the same meeting, the Committee decided that the question of its programme of work should be left to the Bureau, which with the assistance of the secretariat, would present proposals to the Committee. 2/

5. At its meeting in Geneva on 1 August 1997, the Bureau considered the question of the Committee's rules of procedure and identified efficient time management, facilitation of the debate and reinforcement of regional representation (i.e., effective use of regional spokespersons) as the criteria necessary for the conduct of the Committee's meetings. The Bureau was generally of the opinion that, while the rules of procedure of the Governing Council should largely govern the work of the Committee, the rules pertaining to the powers of the Chairman could be modified for the purpose of the Committee to meet the above-mentioned criteria. The secretariat was requested to provide proposals for consideration of the Bureau at its next meeting.

6. The rules of procedure of the Governing Council provide the President (and, hence, the Chairperson of the High-level Committee) with sufficient powers to control the proceedings of meetings, direct the course of discussions and use available time efficiently. 3/ These powers are, at each session, exercised with the concurrence of the Governing Council or Committee.

7. On the issue of spokespersons for regional groups, it is highly unusual to regulate it by the rules of procedure, since any regulation of that kind would infringe upon the sovereign right of a State to express its position individually. It is suggested that the matter be left with Governments to decide on in the context of each individual session, or among groups. Overall, it is a matter of how the Chairperson conducts the business on the basis of the powers already accorded to him in the rules of procedure. In practice, the Chairperson might accord precedence to the spokespersons of regional groups, as appropriate, but it does not have to be spelled out in the rules of procedure.

8. With regard to the modalities of the work of the High-level Committee specifically set out in Governing Council decision 19/32, it is understood that certain provisions of the rules of procedure of the Governing Council are modified as they relate to the work of the Committee. The rules that correspond to the relevant paragraphs of the decision are:

1/ See the report of the High-level Committee on the work of its first meeting (UNEP/HLC/1/5), para. 37.

2/ Ibid., para.41.

3/ See, in particular, rules 32 (Powers of the President), 34 (Speeches) and 37 (Time-limit on speeches) of the rules of procedure.

(a) Rule 68 (Participation of specialized agencies, the International Atomic Energy Agency, United Nations bodies and other intergovernmental organizations). Paragraph 3 of decision 19/32 states:

> "That the European Community and other regional intergovernmental economic organizations may attend the meetings of the Committee";

(b) Rule 18 (Elections of officers) and paragraph 3 of rule 62 (Elections of officers of a subsidiary body). Paragraph 4 of decision 19/32 states:

> "That the High-level Committee of Ministers and Officials shall elect from amongst its members a Chairperson, three Vice-Chairpersons and a Rapporteur";

(c) Rules 1 (regular sessions), 4 (place of regular sessions) and 5 (special sessions). Paragraph 5 of decision 19/32 states:

> "That the High-level Committee of Ministers and Officials shall meet at least once a year in Nairobi. Meetings of the Committee may be convened elsewhere by its Chairperson, in consultation with its Bureau, in connection with major international environmental meetings";

(d) Rule 29 (duties of the secretariat). Paragraph 6 of decision 19/32 states:

> "That the report of the meetings of the High-level Committee of Ministers and Officials shall be made immediately available to all members of the United Nations Environment Programme";

(e) Paragraph 1 of rule 62 provides for the basis of the establishment of the High-level Committee and governs the relationship between the Governing Council and the High-level Committee as contained in paragraph 11 of decision 19/32, which states:

> "That the High-level Committee of Ministers and Officials (...) shall be accountable to the Governing Council and will submit reports on [its] work at each session of the Governing Council";

(f) Rule 28 (duties of the Executive Director). Paragraph 13 of decision 19/32 states:

> "That the secretariat shall provide documentation and information related to the meetings of the High-level Committee of Ministers and Officials (...) four weeks in advance of the meeting in question".

CONCLUSION

9. In the light of the foregoing, it may be concluded that it is not necessary to modify the rules of procedure of the Governing Council as a whole, except to the extent indicated above and as clarified below. The

rules of procedure may therefore be used, mutatis mutandis, as the rules of procedure of the High-level Committee, bearing in mind the relevant provisions of Governing Council decision 19/32 as indicated above.

10. In addition, the following provisions of the rules of procedure are not relevant to the work of the Committee:

(a) Rules 5, 6 and 14 (special sessions);

(b) Rules 16 and 17 (representatives and credentials);

(c) Rule 30 (estimates of expenditures);

(d) Rule 26 (Executive Director's functions in relation to the Governing Council); and

(e) Rules 13, 59-62 (allocation of items, sessional committees, working parties and subsidiary organs).

11. It should be recalled that the Governing Council, in paragraph 12 of decision 19/32, gave the High-level Committee the authority to adopt its own rules of procedure but did not require it to do so. The rules of procedure of the Governing Council have been repeatedly used and tested and been proved an effective instrument to direct the conduct of business of the Governing Council and its various subsidiary bodies.

12. It may be concluded that this minimalist approach is satisfactory as a temporary and transitional measure. Any modifications to the rules of procedure should be considered only when there is sufficient evidence that certain provisions of the rules of procedure impede the effective functioning of the High-level Committee, given its desired informal nature and particular character and needs. Such modification might require, inter alia, the simplification, deletion or modification of, for example, rule 63, concerning languages; rules 67-69, regarding observers, rules 18 and 19, concerning the length of the Bureau's term, and rule 66 on whether its meetings are held in public or in private. In that event, clear guidance on the changes would have to be given, either by the Bureau, or by a subcommittee set up for the purpose, or by the High-level Committee itself.